



April 6, 2023

## **UTAH COUNTY BOARD OF ADJUSTMENT**

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### **STAFF REPORT FOR APPEAL #1602 EXTENSION**

#### **I. APPLICATION:**

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|---------------------|---|---|
| <b>A. APPLICANT</b> | - | Sergei and Jennifer Dengin  |
| <b>B. REQUEST</b>   | - | An extension of the termination date of a conditional use granted March 3, 2022, for a landscape park recreational facility |
| <b>C. LOCATION</b>  | - | 7867 South 2000 West, Sec. 27, T8S R2E, adjacent to Spanish Fork City in unincorporated Utah County                         |
| <b>D. ZONING</b>    | - | Residential Agricultural (RA-5) Zone  |
| <b>E. AREA</b>      | - | 5.70-acre parcel (Tax ID 25:033:0032 & 25:036:0042)   |

#### **II. STAFF SUMMARY:**

##### Parcel Information

The subject property (25:033:0032 & 25:036:0042) is approximately 5.70 acres and is currently owned by the applicant. The subject property is one deeded parcel with one outside description but is represented as two separate tax parcels due to the location of Utah County taxing district boundaries. Staff has identified the following permits for the structures on the subject property.

The subject property is currently used for residential and storage purposes. Adjacent uses include residential, recreational, transportation (railroad and freeway) and agricultural uses. The subject parcel has frontage along 2000 West which is a paved road maintained by Utah County. This road is designated as a collector road on the Transportation Element map included in the Utah County General Plan.

##### Parcel Zoning

The property is presently in the Residential Agricultural (RA-5) Zone and appears to be a conforming parcel in that zone, as determined through previous staff research. It would appear to be eligible for any permitted or conditional permitted use allowed in the RA-5 Zone subject to meeting all applicable standards for a given use. The subject property lies within the Spanish Fork City Annexation Policy Plan.

### Applicant Request

The applicant received approval for a Landscape Park Recreational Facility, on the subject parcel on March 3, 2022. The applicant proposed a recreational facility to provide a location for some outdoor but mainly indoor activities for children and families, including playgrounds, climbing wall, laser tag, and other various classes and activities. the updated site plan has maintained the original layout of the site with similar locations and size of the building and outdoor landscape park, modifications have been made to the parking areas to increase the amount parking from 122 to 281 stalls.

Section 16.84.C of the Utah County Land Use Ordinance establishes the termination date of an approved conditional use to be one(1) year from the date of the decision of the Board of Adjustment. A building permit (or other permit or license) must be obtained prior to this termination. As mentioned above, the Board granted approval of the conditional use on March 3, 2022, as a result, the termination date for Appeal #1602 is March 3, 2023.

Section 16.84.D also allows the Board to order the termination date enlarged if the request is made in writing before the expiration of the period originally prescribed, if the date is required to ensure substantial justice be done.

It appears the applicant was unable to obtain a permit for the Landscape Park Recreational Facility by March 3, 2023. They are now requesting the termination date be extended to allow them to obtain a permit to begin the building process. The applicant has indicated they have been working on design and engineering for the different departments, which has yet to be completed. The applicant has provided a letter detailing their request.

### **III. APPLICABLE CODES AND ORDINANCES:**

The following are ordinances and laws pertaining to this appeal:

1. [U.C.L.U.O. Section 16.84 Notification and Duration Of Approval](#): rules for the duration, notification, and the method for requesting an extension of the termination date of an approved conditional use appeal.

### **IV. STAFF FINDINGS:**

1. A request in writing to extend the termination date of Appeal #1602 was made before the expiration of the extended termination date approved by the Board. The approved termination date was March 3, 2023, and the request was received March 2, 2023.
2. The applicant submitted a statement detailing the challenges they have faced in submitting a building permit application necessitating this request.

### **V. STAFF RECOMMENDATION:**

Approval Motion:

That the Utah County Board of Adjustment **approve** the request to extend the termination date of Appeal #1602 based on the findings that the applicant met the substantial justice criteria found in Section 16.84.D of the Utah County Land Use Ordinance, and subject to staff findings included in the staff report.

Denial Motion:

That the Utah County Board of Adjustment **deny** the request to extend the termination date of Appeal #1602 based on the findings that the applicant did not meet the substantial justice criteria found in Section 16.84.D of the Utah County Land Use Ordinance, and subject to staff findings included in the staff report.